THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.6886 OF 2005

DATED:23.8.2005

Between:

Edara Chenchuramaiah, S/o.Sri Jalaiah

R/o.Marlapadi Village

Tangutur Mandal, Prakasam District

…Petitioner

And

The Regional Joint Commissioner of Endowments

Multi Zone-II, Tirupati,

Chittoor District, and others

…Respondents

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WRIT PETITION NO.6886 OF 2005

ORDER:

The petitioner is a tenant of agricultural land admeasuring Acs.5.72 in S.No.296 of Marlapadu Village. The land belongs to Sri Venu Gopala Swamy Temple at Marlapadu Village, Tangutur Mandal, Prakasam District. After the judgment of the Supreme Court in **State of Andhra Pradesh v. Nallamilli Rami Reddi** when the respondents started enforcing Section 82(1) of the A.P.Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short, the Act), petitioner filed an application before second respondent under Rule 3 of A.P. Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Land Rules, 2003 (for

short, the Rules) claiming himself to be landless poor person within the meaning of explanation to sub-section (2) of Section 82 of the Act. By order dt.1.8.2003 second respondent rejected the claim placing reliance on the admission made by the petitioner that he is cultivating Acs.5.72 wet land. Aggrieved by the same, petitioner preferred appeal before first respondent, in vain. Therefore, present Writ Petition is filed questioning the proceedings of first respondent dt.17.7.2004 rejecting the claim of the petitioner.

At the time of hearing, learned counsel for the petitioner, Sri M.Vidya Sagar, has brought to the notice of this Court the proceedings of the Assistant Commissioner, dt.20.6.2003 wherein the person-in- management of the temple was accorded permission to deepen the pond in S.No.296 admeasuring Acs.0.20 and Acs.0.13½. He submits that as part of the land was taken away for the purpose of pond, petitioner has to be treated as landless poor person. I am afraid, I cannot agree with the submission. Even if Acs.0.20 and 0.13½ put together total Acs.0.33½ is considered to be in possession of the temple, still petitioner will be holding more than Acs.2.50 of wetland and therefore he cannot be treated as landless poor person for the purpose of sub-section (2) of Section 82 of the Act. Therefore, this Court does not find any merit in the Writ Petition.

The Writ Petition is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

23.8.2005

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